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BEFORE THE  
PHYSICIAN ASSISTANT COMMITTEE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 1E-2005-165770

THOMAS MURRAY GROTEWOLD, P.A.  
1907 E. Washington Blvd.  
Los Angeles, California 90021

ACCUSATION

Physician Assistant License No. PA 10775

Respondent.

Complainant alleges:

PARTIES

1. Richard L. Wallinder, Jr. (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Physician Assistant Committee, Department of Consumer Affairs.

2. On or about November 10, 1980, the Physician Assistant Committee issued Physician Assistant License Number PA 10775 to Thomas Murray Grotewold, P.A. (Respondent). The Physician Assistant License expired on August 31, 2005, and has not been renewed.

JURISDICTION

3. This Accusation is brought before the Physician Assistant Committee (Committee) for the Medical Board of California, Department of Consumer Affairs, under the

1 authority of the following laws. All section references are to the Business and Professions Code  
2 unless otherwise indicated.

3           4.       Section 3527, subdivision (a) of the Code provides that the Committee  
4 may order the denial of an application for, or the issuance subject to terms and conditions of, or  
5 the suspension or revocation of, or the imposition of probationary conditions upon a physician's  
6 assistant certificate for unprofessional conduct, which includes a violation of the Physician  
7 Assistant Practice Act or the Medical Practice Act.

8           5.       Section 3528 of the Code states any proceedings involving the denial,  
9 suspension or revocation of the application for licensure or the license of a physician assistant,  
10 the application for approval or the approval of a supervising physician, or the application for  
11 approval or the approval of an approved program under this chapter shall be conducted in  
12 accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2  
13 of the Government Code.

14           6.       Section 2234 of the Code states in pertinent part, that the Division of  
15 Medical Quality shall take action against any licensee who is charged with unprofessional  
16 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not  
17 limited to, the following:

18                   (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting  
19 the violation of, or conspiring to violate any provision of this chapter.

20                   (b) Gross negligence.

21                   (c) Repeated negligent acts. To be repeated, there must be two or more negligent  
22 acts or omissions. An initial negligent act or omission followed by a separate and  
23 distinct departure from the applicable standard of care shall constitute repeated  
24 negligent acts. (1) An initial negligent diagnosis followed by an act or omission  
25 medically appropriate for that negligent diagnosis of the patient shall constitute a  
26 single negligent act. (2) When the standard of care requires a change in the  
27 diagnosis, act, or omission that constitutes the negligent act described in  
28 paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a

1 change in treatment, and the licensee's conduct departs from the applicable  
2 standard of care, each departure constitutes a separate and distinct breach of the  
3 standard of care.

4 (d) Incompetence.

5 (e) The commission of any act involving dishonesty or corruption which is  
6 substantially related to the qualifications, functions, or duties of a physician and  
7 surgeon.

8 (f) Any action or conduct which would have warranted the denial of a certificate.

9 (g) The practice of medicine from this state into another state or country without  
10 meeting the legal requirements of that state or country for the practice of  
11 medicine. Section 2314 shall not apply to this subdivision. This subdivision shall  
12 become operative upon the implementation of the proposed registration program  
13 described in Section 2052.5.

14 7. Section 2236, subdivision (a) provides that the conviction of any offense  
15 substantially related to the qualifications, functions or duties of a physician and surgeon  
16 constitutes unprofessional conduct. The record of conviction shall be conclusive evidence only  
17 of the fact that the conviction occurred.

18 8. Section 2237, subdivision (a), provides that the conviction of a charge of  
19 violating any federal or state statutes or regulations which regulate dangerous drugs or controlled  
20 substances, constitutes unprofessional conduct. A plea or verdict of guilty or a conviction  
21 following a plea of nolo contendere is deemed to be a conviction within the meaning of this  
22 section.

23 9. Section 2238 of the Code states, in pertinent part, that a violation of any  
24 federal statute or federal regulation or any of the statutes or regulations of this state regulating  
25 dangerous drugs or controlled substances constitutes unprofessional conduct.

26 10. Section 490 of the Code states:

27 "A board may suspend or revoke a license on the ground that the licensee has  
28 been convicted of a crime, if the crime is substantially related to the qualifications,

1 functions, or duties of the business or profession for which the license was issued. A  
2 conviction within the meaning of this section means a plea or verdict of guilty or a  
3 conviction following a plea of nolo contendere. Any action which a board is permitted to  
4 take following the establishment of a conviction may be taken when the time for appeal  
5 has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order  
6 granting probation is made suspending the imposition of sentence, irrespective of a  
7 subsequent order under the provisions of Section 1203.4 of the Penal Code.”

8 11. Section 125.3 of the Code states, in pertinent part, that the Board may  
9 request the administrative law judge to direct a licensee found to have committed a violation or  
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
11 and enforcement of the case.

#### 12 DISCIPLINE CONSIDERATIONS

13 12. To determine the degree of discipline, if any, to be imposed on  
14 Respondent, Complainant alleges that on or about August 4, 1995, in a prior disciplinary action  
15 entitled In the Matter of the Accusation Against Thomas Murray Grotewold, P.A. before the  
16 Physician Assistant Committee, in Case Number 1E-94-36399, Respondent's license was placed  
17 on three years probation for a 1994 conviction for possession of narcotics for sale, planting  
18 marijuana, and selling controlled substances. Based on that criminal conviction, Respondent was  
19 placed on formal criminal probation for three years That decision is now final and is  
20 incorporated by reference as if fully set forth.

#### 21 CONTROLLED SUBSTANCES

22 13. All drugs mentioned in this accusation are dangerous drugs as defined in  
23 section 4022 of the Code and additionally are classified as controlled substances as set forth  
24 herein.

25 A. "Cocaine" - is a Schedule II controlled substance pursuant to Health and  
26 Safety Code section 11055(b)(6);

27 B. "Marijuana" - is a schedule I controlled substance pursuant to Health  
28 and Safety code section 11054(d)(13).

1 C. **"Methamphetamine"** - is a Schedule II controlled substance pursuant to  
2 Health and Safety Code section 11055(d)(2).

3  
4 CAUSES FOR DISCIPLINE

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Unprofessional Conduct )

7 14. Respondent is subject to disciplinary action under section 3527,  
8 subdivision (a), and 2234, subdivision (a), of the Code in that he engaged in unprofessional  
9 conduct in that he has one conviction for possession of controlled substances, was found in  
10 possession of controlled substances, and violated his criminal probation by refusing to submit a  
11 urine sample. The circumstances are as follows:

12 15. On or about April 3, 2005, officers from the Simi Valley Police  
13 Department stopped Respondent for a routine traffic stop. Respondent was in the passenger seat  
14 and the driver was a friend of his. Respondent was the registered owner of the car. The officer  
15 noticed two open bags in plain view on the floor of the car. The officer asked Respondent and  
16 the driver to get out of the car. At that time, the officer noticed the bags were zipped and shoved  
17 under the passenger seat.

18 16. The officer searched the bags. The first bag had a glass pipe, with residue  
19 of methamphetamine, a small plastic baggie with marijuana, a small scale, and a wooden box  
20 with a lock. The box was opened and it had a grinder containing cocaine, a baggie containing  
21 methamphetamine, several straws with narcotic residue, a glass meth pipe with residue, a brown  
22 glass vial containing an unknown liquid, and two plastic baggies containing a white crystal  
23 substance.

24 17. The other bag had a glass methamphetamine pipe, a small amount of  
25 marijuana, and prescription bottles with Respondent's name on them. The officer asked whom  
26 these things belonged to, and Respondent said they did not belong to the driver; then Respondent  
27 claimed they belonged to a girl who borrowed his car.

28 ///

1                   18.     Respondent was arrested for possession of cocaine, methamphetamine,  
2 and marijuana. Based on this arrest, criminal charges were filed against Respondent. He was  
3 charged with one count of possession of a controlled substance, a violation of Health and Safety  
4 Code section 11377, subdivision (a).

5                   19.     Less than four months later, on July 28, 2005, Respondent was arrested by  
6 South Gate Police Department. Police officers stopped Respondent for a routine traffic stop.  
7 Respondent could not provide registration because he did not own the car. The officer had  
8 Respondent get out of the car and asked Respondent if he had weapons or drugs, then asked  
9 permission to search the car. Another officer searched the passenger compartment and found a  
10 small zip lock baggie with a small amount of crystal methamphetamine. There were also several  
11 methamphetamine pipes and a torch commonly used to ingest crystal methamphetamine.

12                  20.     While Respondent was being handcuffed, the officers recovered a white  
13 plastic bindle which had more crystal methamphetamine, from his left hand. Respondent was  
14 arrested for possession of controlled substances. Presumptive tests were done on the items and  
15 they came back positive for crystal methamphetamine.

16                  21.     Based on the South Gate arrest, criminal charges were filed against  
17 Respondent. He was charged with a felony, possession of a controlled substance, a violation of  
18 Health and Safety Code section 11377, subdivision (a). On August 1, 2005, he pled nolo  
19 contendere to one felony count of possession of a controlled substance. On August 8, 2005, he  
20 was sentenced to 3 years formal probation. One condition of probation required Respondent to  
21 give a urine sample if requested to do so by law enforcement officers.

22                  22.     On September 1, 2005, Medical Board Investigator Chris Figueroa  
23 interviewed Respondent at his place of business. They discussed the two arrests. Investigator  
24 Figueroa asked if Respondent would be willing to give him a urine sample, which Respondent is  
25 required to do pursuant to his probation conditions. Respondent refused. When Investigator  
26 Figueroa informed Respondent of his probation condition, stating that he is supposed to give  
27 urine samples when requested to do so by peace officers, Respondent stated he knew, but still  
28 refused.

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Corrupt/Dishonest Acts )

3 23. The facts alleged in paragraphs 14 through 22 above, are realleged and  
4 incorporated by reference as if fully set forth here.

5 24. Respondent's conduct as set forth in paragraph 14 through 22, above, has  
6 subjected his license to discipline for commission of corrupt or dishonest acts, pursuant to  
7 sections 3527, subdivision (a), and 2234, subdivision (e), of the Code in that he has one  
8 conviction for possession of controlled substances, he was in possession of controlled  
9 substances, and he refused to submit a urine sample.

10  
11 **THIRD CAUSE FOR DISCIPLINE**

12 (Conviction)

13 25. The facts alleged in paragraph 19 through 21 above, are realleged and  
14 incorporated by reference as if fully set forth here.

15 26. Respondent's conduct as set forth in paragraphs 19 through 21 above, has  
16 subjected his license to discipline by Respondent's having been convicted of violation of a  
17 statute for having a criminal conviction which is substantially related to the qualifications,  
18 functions, or duties of a physician assistant and which involves dangerous drugs or controlled  
19 substances, pursuant to sections 490, 2236, subdivision (a), and 2237, subdivision (a), of the  
20 Code.

21  
22 **FOURTH CAUSE FOR DISCIPLINE**

23 (Violating Drug Statutes)

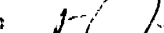
24 27. The facts alleged in paragraph 14 through 22, above, are realleged and  
25 incorporated by reference as if fully set forth here.

26 28. Respondent's conduct as set forth in paragraph 14 through 22, above, has  
27 subjected his license to discipline pursuant to sections 2238 in that he violated statutes  
28 regulating controlled substances.

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1. Revoking or suspending Physician Assistant License Number PA 10775,  
issued to Thomas Grotewold, P.A.;

3. Taking such other and further action as deemed necessary and proper.

  
RICHARD L. WALLINDER, JR.  
Executive Officer  
Physician Assistant Committee  
Department of Consumer Affairs  
State of California  
Complainant